

UNITED STATES DISTRICT COURT
FOR THE
Middle DISTRICT OF PENNSYLVANIA

HASON RINK

3:18cv337

FILED
SCRANTON

FEB 09 2018

PER

Amo
DEPUTY CLERK

Plaintiff

v.

Case No. 17-5328

UNITED STATES OF AMERICA

Defendant

FILED
SCRANTON

FEB 09 2018

PER

DEPUTY CLERK

COMPLAINT

JURISDICTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, as hereinafter more fully applies.
2. Jurisdiction is conferred upon this court by 28 U.S.C. § 1346(b).
3. Pursuant to 28 U.S.C. § 2675(a) the claim set forth herein was presented to Federal Tort claim on Dec 21, 2016.
4. My Tort claim (# TRT-NER-2017-01445) offer was refused when they offered \$100.00

VENUE

5. Venue is proper in the Middle District of PENNSYLVANIA pursuant to 28 U.S.C. § 1402(b).

PARTIES

6. Plaintiff HASON RINK is a citizen of United States of America. Plaintiff resides at ██████████ USP MCCREARY, within the jurisdiction of this court. The alleged act or omission at issue occurred in the Middle District of PENNSYLVANIA.

FACTS

7. On November 26, 2016, plaintiff HASON RINK WAS AT LEWISBURG (SMU) AND WAS SERVED EITHER LUNCH OR DINNER THAT WAS TINTED WITH SALMONELLA AS A RESULT I USED THE BATHROOM 9 OR 10 TIMES THAT DAY. I TOLD MEDICAL ABOUT THE ISSUE AND WAS TOLD TO DRINK WATER AND LAY DOWN. ON THE 27TH THEY STOPPED ALL MOVEMENT NO HAIRCUT, IAW LIBRARY, NO PHONE USE THEN A MEMO WAS PUT OUT AFTER DINNER SAYING IT WAS NO INMATE MOVEMENT BECAUSE OF INMATES COMPLAINING OF A STOMACH VIRUS. IN ALL THE BLOCK'S YET MONDAY MORNING THEY SERVED US TRAY'S AGAIN. I TOLD THE NURSE ON THE 28TH WHICH WAS A MONDAY THAT I'VE BEEN USING THE TOILET ALL DAY AT WHICH TIME I WAS TAKEN TO MEDICAL AND WAS TOLD I HAVE A HIGH FEVER AND WAS PLACED ON X-BLOCK, THE FOLLOWING DAY WHICH WAS THE 29TH MEDICAL TOOK A STOOL SAMPLE WHICH CAME BACK POSITIVE FOR SALMONELLA INFECTION I WAS GIVING MEDICINE FOR MY PAIN AND ONCE I FELT BETTER I WAS SENT BACK TO D-BLOCK WHERE I GOT SICK AT ON NOVEMBER 26, 2016.

8. At such time and place C/o Homer was/were an employee of the VSP Lewisburg (smu) D-Block, an agency of the United States of America, and acted within the scope of government employment.

9. As a result, plaintiff was placed on medicine from tainted food
Served at VSP Lewisburg (smu) containing salmonella and suffered
illness from November 26, 2016 till December 2, 2016

10. If the defendant were a private person, it would be liable to the plaintiff in accordance with the law of the state of PENNSYLVANIA.

PRAYER

11. Wherefore plaintiff demands judgment against defendant in the sum of \$5000.00 dollars and costs.

Respectfully submitted,

HASON RINK

VSP McCREARY PO BOX 3600 PINE KNOT, KY
[REDACTED] 42635

CC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HASON RINK,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	NO. 17-5328
Defendant.		

ORDER

AND NOW, this *4th* day of November, 2017, it is ORDERED that:

1. If Mr. Rink seeks to proceed with this case he must, within thirty (30) days of the date of this Order, either (1) remit the \$350.00 filing fee and \$50.00 administrative fee to the Clerk of Court, or (2) file a motion to proceed *in forma pauperis* with a certified copy of his prisoner account statement (or institutional equivalent) showing all deposits, withdrawals, and a current balance, from any correctional facility in which he was confined for the six-month period from May 27, 2017 through November 27, 2017, reflecting account activity from that time period.¹
2. If Mr. Rink is ultimately granted leave to proceed *in forma pauperis*, he will be obligated to pay the \$350.00 filing fee in installments pursuant to 28 U.S.C. § 1915(b), even if his case is dismissed. He will not be entitled to the return of any payments made toward the fee.
3. The Clerk of Court shall furnish Mr. Rink with a blank copy of this Court's current standard prisoner *in forma pauperis* form bearing the above civil action number.

¹ Plaintiff has filed this action pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80, regarding events that occurred while he was incarcerated at USP Lewisburg. Rather than returning to this Court, where venue is improper, plaintiff may refile his Complaint in the Middle District of Pennsylvania, where USP Lewisburg is located. See 28 U.S.C. § 1391(b).

4. If Mr. Rink fails to comply with this order his case may be dismissed without prejudice and/or closed without further notice.

BY THE COURT:


GERALD A. MCHUGH, J.

HASON RINK

JAN 31, 2018

74521-053

USP MCCREARY

PO BOX 3000

PINE KNOT, KY 42635

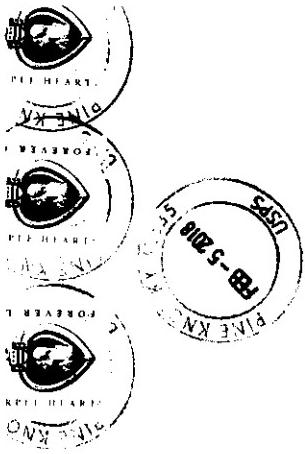
JAN 29 2018

I'm writing again to get more time and not be
time barred because I was transferred to A NEW
JAIL AND JUST received my personal property so get
all my paper's in order because I WAS given a 30 day
dead line by the HONORABLE Gerald A mchugh to
have the paper back in but due to the holiday's AND
my transfer I wasn't able to get ANYthing done then
I had to wait for the JAIL to come off lockdown
to get to the trust fund person and get the
Certified copy of my prisoner account but couldn't
get paper's signed, I wrote to the middle district
to not get time bar but they said they see nothing
Well here's the paper's I received from trust funds
And the Judge

thank you

CC

United States Penitentiary
USP McCARTHY
PO Box 3000
Pine Knot, KY 42635



RECEIVED
SCRANTON

FEB 9 2018
[Signature]
PER [Signature]
DEPUTY CLERK

74521-053
William J Nealon Fed Build
235 N Washington Ave
Scranton, PA 18503
United States